

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Gary Brandon Tanner

Docket No. 5:18-CR-64-1FL

Petition for Action on Supervised Release

COMES NOW Corey Rich, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gary Brandon Tanner, who, upon an earlier plea of guilty to 18 U.S.C. §§1349 and 1344, Conspiracy to Commit Bank Fraud, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on August 9, 2018, to the custody of the Bureau of Prisons for a term of 1 day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Gary Brandon Tanner was released from custody on August 9, 2018, at which time the term of supervised release commenced.

On August 24, 2018, a violation report was forwarded to the court advising that the defendant submitted a urinalysis on August 13, 2018, that tested positive for opiates. When confronted, the defendant admitted using the substance without a valid prescription. A First Use Level DROPS sanction was implemented.

On September 13, 2018, a violation report was forwarded to the court advising that the defendant submitted a urinalysis on August 28, 2018, that tested positive for Codeine and Morphine. When confronted, the defendant admitted to using the substances without a valid prescription. A Second Use Level DROPS sanction was requested with the Bureau of Prisons. Placement has not yet been set.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On September 12, 2018, the defendant submitted a urinalysis that tested positive for morphine. When confronted, the defendant admitted he used the controlled substance without a valid prescription. The defendant admits he is struggling with his addiction and has asked for assistance in becoming sober once again. The probation office has been working closely with the defendant's treatment provider. Placement has been secured for the defendant to enter into a residential treatment facility and the defendant has agreed to participate. It is recommended that the defendant be continued on supervision, and allowed to attend and complete this treatment plan. This positive urinalysis would constitute the implementation of the Third Use Level DROPS sanction. It is respectfully requested that the Third Use Level DROPS sanction be stricken from the conditions of supervision due to his residential treatment placement. The defendant shall be required to complete the Second Use Level DROPS sanction upon his release from the residential treatment facility.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The Third Use Level DROPS Sanction is hereby removed from the conditions of supervision.

Except as herein modified, the judgment shall remain in full force and effect.

Gary Brandon Tanner
Docket No. 5:18-CR-64-1FL
Petition For Action
Page 2

Reviewed and approved,

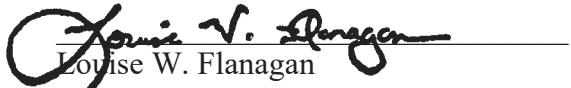
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Corey Rich
Corey Rich
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2540
Executed On: October 1, 2018

ORDER OF THE COURT

Considered and ordered this 1st day of October, 2018, and ordered filed and made a part of the records in the above case.


Louise W. Flanagan
U.S. District Judge